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## **Problems of Political Transition in Ukraine: Leadership Failure and Democratic Consolidation**

**Thomas O'Brien<sup>1</sup>**

### *Abstract*

Democratisation and consolidation of a political system encompass a range of complex challenges, for which effective leadership is pivotal. However, the skills a leader requires to break through and introduce change are not necessarily the same as those needed to maintain stability. This article examines the case of Viktor Yushchenko as president of Ukraine following the Orange Revolution. The negotiated transfer of power from the previous semi-authoritarian regime rendered consolidation difficult, by limiting opportunities for a complete break. Within the residual 'grey area', a number of actors continued to participate and create tension. The regime that emerged was characterised by political infighting and instability, leading to the defeat of candidates associated with the Orange Revolution in the 2010 presidential elections. This article argues that the inability to move towards a consolidated democratic political system was due to the failure of the transitional leader, rather than the political and institutional configuration.

*Keywords:* democratisation, leadership, non-democratic legacies, presidentialism, Ukraine

Clear and effective leadership is crucial in shaping and directing the democratisation process. Leaders in this position are required to dismantle the existing non-democratic system while at the same time introducing new practices and institutions to reinforce democratisation (Breslauer 2002). The ability of a leader to challenge and replace a non-democratic regime is not necessarily associated with an ability to introduce reform and consolidate the democratic system. Examining the uncertainty of democratisation Breslauer (2002, p. 270) noted:

A breakthrough may be required to undo the old structures and delegitimize the old culture. But numerous and repeated follow-up initiatives are

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required to put new structures in place and to build legitimacy for the new order.

This point echoed Rustow (1970) who argued that, when considering democratisation, it is necessary to distinguish the factors that sustain a democracy from those that lead to its emergence. The appeal of transitional leaders stems from their role as change makers, with questionable durability in the altered context. The continued presence of a transitional leader may undermine and weaken the ability of the emerging regime to consolidate, by restricting opportunities for normal politics to emerge.

When considering the effects of transitional leadership it is important to take into account the institutional structures operating in each case. Presidential systems have been identified as prone to democratic breakdown and reversion to authoritarian rule, as a result of inherent weaknesses. It is therefore necessary to examine these claims, to determine the importance of institutional choice during the democratisation (Elgie 2005). Concerns over the apparent weakness of presidentialism have led to analysis of cases in a wide variety of regions (Ishiyama and Kennedy 2001, Fukuyama *et al* 2005, Breuer 2007, Abdukadirov 2009). In addition to the institutional configuration, the broader social and cultural contexts play an important role in determining the decisions that leaders are able to make (Wiarda 2001).

This paper examines the leadership of Viktor Yushchenko as president of the Ukraine from 2005 to 2010. Attempts by the preceding non-democratic regime to maintain power by manipulating the 2004 presidential elections saw widespread public protests, leading to an elite compromise with Yushchenko assuming the presidency. Yushchenko came to power with plans to reform the political system but struggled to control tensions within the executive branch and limit conflict with the legislative branch, leading to constitutional deadlock and fragmentation of reformist forces (Flikke 2008). As the site of one of the colour revolutions, Ukraine provides an

interesting case for consideration of the challenges in moving towards democracy after a period of stagnation or reversal of the democratisation process. Following the breakup of the Soviet Union and an initial opening, Ukraine was unable to move towards full democratisation and saw the emergence of the Kuchma regime, which attempted to maintain a semi-democratic political system. The Orange Revolution and Yushchenko's election presented an opportunity to 'reset the clock' and move towards a democratic political system. The inability of the leader to democratise the system raises important issues about cases of incomplete democratisation, particularly what factors may prevent democratic consolidation.

This article examines Viktor Yushchenko's inability to capitalise on the support received during the Orange Revolution and move Ukraine forcefully towards democracy. The aims of the article are: (1) to examine the individual factors that shape the ability of a transitional leader to adapt to changed political contexts, and (2) to assess the importance of presidential institutional arrangements in exacerbating leadership tensions. This analysis will inform an understanding of the important characteristics and limitations of the transitional leader, and seek clarification of the reasons for Yushchenko's apparent failure. In addition to the individual actions of the president, the article considers the socio-political constraints that Yushchenko faced as leader, particularly those arising as legacies from the previous non-democratic regime.

The article is divided into three sections. The first examines the literature on political leadership in democratising states and the arguments around the apparent weakness of presidential systems. The second section outlines the character of the political system in Ukraine leading up to the Orange Revolution and the challenges that Yushchenko faced as president. Finally, the paper reconsiders the importance of the transitional leader in enabling or constraining democratisation, by assessing the actions of Yushchenko as president and the constraints he faced as a transitional leader. This section identifies factors potentially applicable to presidential leadership in other democratising states.

### **Transitional leadership and presidentialism**

Leadership plays a crucial role in shaping and directing the democratisation process and requires consideration in political analysis. Peele (2005) argues that it is important for political scientists to engage with leadership studies, stating that the decline of political parties and other institutions has seen increased demand for strong leadership. This issue is of particular importance in presidential regimes, due to the presence of a strong individual leader at the centre of the political system. The choice of a presidential system during democratisation has been attributed to the desire to introduce a 'strong hand' to guide the country through the uncertainties of the transitional period (Stepan and Skach 1994). However, presidential systems can introduce conflict as the zero-sum nature of the political system means that unsuccessful candidates are excluded, encouraging rivalry and conflict rather than cooperation (Linz 1990, Colomer 1995). These risks are heightened during the democratisation period, as the fluidity and complexity of relations can increase the discretionary power of the president as the 'rules of the game' are settled (Shugart and Haggard 1997). Together, these features increase the chances that the presidential form of transitional leadership will lead to instability and breakdown.

The elite driven nature of democratisation and the associated uncertainty means that leaders are crucial in shaping the process. It is therefore important to focus on the performance of political leaders during this time, identifying reasons for success or failure in moving the regime towards consolidated democracy. As noted above, the transitional leader must engage in a form of creative destruction, replacing and reforming existing institutions and practices (Breslauer 2002). This requires a strong direction and determination, as the transitional leader faces both external challenges in managing rivals and institutional inertia, while also resisting internal desires to exercise control over the political system and remove opposition. Examining the importance of leadership in governance Memon and Weber (2010 p. 109) argue that:

key tasks include assisting participants in discovering common ground and the benefits of collaboration by identifying prospective tradeoffs, facilitating information exchanges, and conducting the decision process in a neutral, honest, and fair manner. Implicit here is that CCBs [collaborative capacity builders] are instrumental in convincing participants that their stakes will be protected during negotiations and decision-making, and that participants' own interests are likely to be best served by agreeing to bargain in good faith.

The success of a transitional leader therefore depends on the ability to manoeuvre between competing forces and drive through change while compromising where necessary to maintain stability and cohesion. A further issue is the ability of the transitional leader to adapt, moving from the role of key actor shaping and reforming the system to working as part of that same system. This leads to the question of whether transitional leaders have a limited lifespan, driven by their inability to function in times of normal politics (see the cases of Aldolfo Suárez in Spain and Boris Yeltsin in Russia (O'Brien 2007)). In this context it is necessary to consider forms of leadership and the constraints that leaders face.

In an influential work, Burns (1978) identified two core styles of leadership based on the underlying motivation, value, and purpose of the leader. Transactional leadership 'occurs when one person takes the initiative in making contact with others for the purpose of exchange of valued things', while transformative leadership 'occurs when one or more persons *engage* with others in such a way that leaders and followers raise one another to higher levels of motivation and morality.' (Burns 1978, pp. 19-20) It has subsequently been argued that leaders can also exhibit a combination of the two core leadership styles or neither (Saskin and Rosenbach 1993), with change driven by variations in the external environment as much as the actions of the individual leader. Examining the distinctions between leadership styles points to the important role played by different actors in shaping and directing the democratising political system. A transformative leader is able to look beyond his/her own desires and support the broader goals of regime development and move

towards a consolidated democratic system, while a transactional leader may attempt to pursue short-term gains to the detriment of broader political development. Transformative leadership relies on the personal charisma and standing of the leader; where this declines he/she may adopt a more transactional style (O'Brien 2007). The leadership style adopted serves the goals of the leader, which can be noble, liberating and enriching, or instead used to manipulate, mislead, and repress (Cronin 1993, p. 7). Addressing specific types of leadership, Elgie (1995 p. 4) argues that these can include charismatic, revolutionary, innovative, personal, individual, collective, reactive, and managerial. Each of these leadership types builds on the two styles of leadership, to serve the goals of the particular leader. Styles of leadership are therefore important in shaping the operation of the regime.

When assessing the ability of the leader to shape the political system it is necessary to consider personal attributes, the environment, and the character of the regime (Blondel 1987, p. 28). Together these features combine to determine the extent to which a leader is able to influence the direction of events. The personal attributes of the leader refer to the ability to inspire followers. Where a leader possesses substantial charisma, misdeeds and mistakes may be ignored or trivialised by followers, reducing barriers to the exercise of power (Kellerman 1984, p. 83). Pasquino (1990) notes that during democratisation leaders must transfer their authority to organisational structures and compete under the new rules to remain effective. This is a key point, as Cronin (1993, p. 13) notes that '[p]ower is the strength or raw force to exercise power that is *accepted* as legitimate...'

The environmental context is important as it determines the broader social and political sphere in which the leader is required to operate. It shapes the ability of the leader to act by providing support for, and legitimising the decisions of, the leader. Environmental factors also establish boundaries based on custom and previous practice (Blondel 1987, pp. 7-8). In democratising states important environmental constraints exist in the form of legacies from the preceding non-democratic period. These legacies have been identified as the 'values, institutions and behaviours

introduced by the authoritarian regime' (Hite and Morlino, 2004, p. 28). While it is possible to replace non-democratic institutions, it takes much longer to alter values and behaviours both within the regime and society more generally. Persistence of non-democratic attitudes will therefore play an important role in determining what actions are possible and supported, regardless of the institutional structures introduced, and need to be carefully considered.

Institutional arrangements are also important in determining the ability of the leader to manoeuvre and introduce a democratic political system. Elgie (1995, p. 203) notes that 'institutions play...a fundamental part in structuring the nature of political competition' by establishing the relative strength of participants. However, Blondel (1987, p. 8) argues, 'legal and constitutional arrangements are often...unable to ensure that the scope of the intervention of leaders is effectively determined.' While the leader is forced to operate within an institutional framework, the strength that he/she possesses (derived from personal attributes or the environment) may make it possible to transcend these limitations to a certain extent. Although, as Robinson (2000) argues with reference to the case of Boris Yeltsin in Russia, reliance on informal structures can undermine the ability to utilise the institutional structures when necessary. By the same token, where a leader is weakened and faces challenges to his/her legitimacy it may be more difficult to utilise the formal powers. It is therefore important to understand the character of the formal institutional structure within which the leader operates, and the limitations on the action that these may impose.

There is a substantial literature on the efficacy of presidential versus parliamentary systems with the claim arising that presidential systems are more prone to breakdown and reversion to authoritarian rule than parliamentary systems (see Linz 1990, Mainwaring 1993, Linz 1994, Stepan and Skach 1994). The central critique of the presidential system focuses on the institutional structure, particularly the dual democratic legitimacy of the executive and the legislative branches (Linz 1990). If the constitution does not provide for a means to resolve a deadlock, there is the



possibility of escalation to the point at which unconstitutional means may be used. Where society is divided along ethnic, cultural, or geographic lines the potential for conflict between the branches is increased. This can be particularly important in those countries where the divisions have been suppressed for a period of time under authoritarian control. Separation of powers is an important means of limiting potential conflict between the executive and legislative branches, clearly defining spheres of operation. However, different goals can create conflict within the state administration between governability and incentives for re-election (Colomer 1995). The potential for conflict under separation of powers can therefore increase where the branches represent different societal segments. There may also be an incentive for the president to discourage the development of a strong party system, as a fragmented system limits opportunities for concerted and stable opposition to emerge (Colomer 1995). This in turn may lead to an ineffective and powerless legislative branch, further enhancing the temptation of the president to seize control.

The presidential debate has been criticised for focussing too narrowly on the office of the president, failing to engage with the context in which the president operates (Elgie 2005). In response to the claims against presidential systems, it has been argued that the weight of existing cultural and historical factors needs to be considered when attempting to assess relative success (Mainwaring and Shugart 1997). This point has recently been reinforced by Hiroi and Omori (2009) who argue that although presidential regimes are more prone to breakdown, prior democratic experience can make them more stable than their parliamentary counterparts. Presidential regimes are not static, they change and grow over time as a result of interactions among participants at all levels, making it important to consider social, historical, economic, and cultural influences shape interactions. This has been illustrated by the transition from communism to democracy in East Central Europe and the former Soviet Union, as the countries in this region were required to reform their economic systems as well as developing new political systems, creating a whole new set of challenges (Haggard and Kaufman 1995). The legacy of the previous

regime casts a shadow over political development during democratisation and may hinder attempts at reform.

Presidential power is derived from two sources: constitutional structures and partisan support. The latter refers to the power attributable to 'legislative majority or other features of the party system' (Shugart and Haggard 1997, p. 18). This provides legislative support for the programme that the president is pursuing, increasing the chance that the proposed policies will be successful. The influence of the legislative branch is reduced in cases where the president possesses substantial constitutional powers, although a cohesive legislative opposition can act as a balancing force. The rigidity of the presidential system means that incentives for co-operation between the president and the legislature are limited. These tensions are heightened in semi-presidential regimes where the powers of the two branches are more closely aligned and potentially less well defined (Elgie 2008). Strong presidents operate from a stable base as their position is less threatened by the actions of the legislature, providing the opportunity for greater progress if the president adopts a transformative style of leadership. In semi-presidential systems where the formal powers of the president are limited, the threat to his/her rule from the legislative branch is greater, potentially limiting opportunities for co-operation. Faced with competition in this manner, the president may choose to resort to a transactional leadership style, seeking short-term gains at the expense of longer-term stability and progress. The effect of the presidential system on the ability of the transitional leader to operate will now be examined through the case of Viktor Yushchenko as president of Ukraine.

### **Transitional leadership in Ukraine**

The presidential-parliamentary system that operated in Ukraine before the Orange Revolution had a formal balance between the executive and legislative branches. This led to impasse preventing cohabitation, with neither branch willing to give ground. Tension within the regime also resulted from attempts by the president to consolidate and increase his position (Beichelt 2004, p. 124). President Leonid

Kuchma was able to make use of informal powers, weak civil society, national divisions, and presidential domination to exert his influence and dominate the political system by delegitimising parliament (Birch 2008, Kudelia 2007, p. 80). This position was buttressed by the election of supportive oligarchic and regional actors that had benefited from the privatisation process of the 1990s, providing a relatively stable support base in the Parliament (*Verkhovna Rada*) (Kuzio 2007, p. 31). Attempts to further strengthen the formal powers of the presidential office were undermined by the emergence of tapes in November 2000 that implicated the president in illegal activities, including weapons sales, electoral fraud, corruption, and intimidation against journalists and politicians (Kuzio 2007, p. 42). This event was significant in the democratisation of Ukraine, with Kuzio (2007, p. 44) arguing:

if there had been no 'Kuchmagate' there would have been no Orange Revolution. The crisis did not lead to Kuchma's downfall; nevertheless, it severely undermined the legitimacy of the ruling elites, discredited Kuchma, created a hard-core group of activists and awakened young people from their political apathy.

Although these events ended Kuchma's attempts to establish a formal basis for his increased powers, the opposition was unable to remove him from office due to the hurdle set by the impeachment process (Article 111, *Constitution of Ukraine*).

During this time Viktor Yushchenko was playing an increasingly important role in the political system and building an independent support base. Yushchenko served as Prime Minister from 1999 to April 2001, when Kuchma orchestrated a no confidence vote in his government, as a result of his growing popularity (Kuzio 2007, pp. 41-42). In the subsequent 2002 elections Yushchenko's party (Our Ukraine) emerged as the largest grouping in Parliament and moved to a position of strong opposition in the face of Kuchma's continued presence (Birch 2003). Faced with a strong, popular challenger it appeared that Kuchma was unlikely to win the 2004 elections leading him to attempt to outflank the opposition by reducing the powers of the President

and increasing the corresponding power of Parliament (Kudelia 2007). Attempts to introduce amendments to the constitution along these lines were rejected by the Parliament in April 2004, as it failed to get the required two-thirds majority (Kuzio 2007). In the lead up to the Orange Revolution there was a clear stalemate, with Kuchma and his supporters seeking means to retain power while opposition forces took to the streets to protest with increasing regularity.

The presidential elections of 2004 provided an opportunity for opposition to the Kuchma regime to be expressed and for a democratic breakthrough to take place. Attempts by the incumbent regime to maintain power through manipulation of the elections resulted in widespread protests, a negotiated transfer of power and the election of Yushchenko (Hesli 2006). Although the protests that took place in Kyiv and across the country were important in expressing the frustration with regime, it was the negotiations that took place among the elites that were more significant in determining the way forward (Kubicek 2009). The second round of the presidential elections produced a result that went against the exit polls and expectations of observers, triggering the protests that sparked the revolution. Herron (2007, pp. 70-71) argues that this was a key point in the democratisation process as:

Yushchenko proved to be a formidable opponent. He succeeded in uniting an often fractious opposition, inspiring an indefatigable youth movement, and motivating a substantial proportion of the citizenry to commit active and passive acts of resistance after the fraudulent second round

Faced with overwhelming pressure the regime and opposition held roundtable negotiations in which the Orange coalition accepted a constitutional amendment in exchange for a rerun of the second round, which Yushchenko was guaranteed to win (Kudelia 2007). Therefore, Kuchma was able to secure the transfer of important powers from the President to the Parliament in exchange for stepping aside and letting the vote take place without interference or manipulation.

It is important to consider the nature of the changes contained in the 2004 constitutional amendment, as these did much to shape the relationships between the branches.<sup>1</sup> Changes to Article 106(9) saw the President lose the power to appoint the Prime Minister, instead being required to put forward for confirmation a candidate determined by the Parliament. The President also lost the power to terminate the authority of the Prime Minister and decide on his/her resignation, this power passed to the Parliament, although the President can propose a vote of no confidence in the government (Article 87). Partially offsetting the increased powers of the Parliament, the President gained the power to terminate the Parliament where a coalition is not formed in one month or if a new Cabinet of Ministers is not appointed within 60 days following the resignation (Article 90). The powers of the Prime Minister remained relatively stable, as he/she retained the right to submit candidates for the Council of Ministers (although the authority to approve nominations shifted from the President to the Parliament) (Article 85(12)). However, in the event of pre-term termination of the powers of the President, the Chairperson of the Parliament and not the Prime Minister takes over (Article 112). Examining these key amendments it is clear that the underlying drive was to move power from the executive (President and Prime Minister) to the legislative branch (Parliament), leading to the formation of a much clearer semi-presidential system, with powers evenly balanced. It also meant that the government would be more closely linked to the Parliament.

The victory of Yushchenko in the presidential elections opened the opportunity for substantive reform, moving the regime towards democracy. The first post-Orange government was formed in March 2005, after the confirmation of Yulia Tymoshenko as prime minister (Flikke 2008). Although the presidential elections had given victory to the Orange forces, this did not result in a substantive change in the operation of the political system. Tudoroiu (2007, pp. 329-330) argues that expectations the new regime would introduce deep political change were frustrated by the fact that the new leaders had been closely associated with the old regime. In addition, the agreement between Yushchenko and Tymoshenko to put aside their differences,

that allowed them to manipulate the opportunity presented by the Orange Revolution, fell apart during 2005 (Kuzio 2007). An important point is that the president had very little leverage within the system, even over his own party, leading him to rely on the presidential administration to balance the power of the government (Kubicek 2009). These tensions resulted in the removal of the Tymoshenko government in September 2005 and the introduction of a technocrat (Yurii Yekhanurov) as prime minister, to bridge gaps within the elite. In order to sustain the government Yushchenko was also required to compromise with Viktor Yanukovych, with the latter winning major concessions (Flikke 2008). Therefore, despite expectations of change, the Orange coalition was unable to introduce the hoped for decisive shift in the operation of the political system.

The March 2006 elections were a further benchmark in the democratisation process and represented another missed opportunity. Although the Orange coalition won sufficient votes to form a coalition, it took three months to do so and it fell apart in two weeks, leading to the Socialists defecting to the opposing anti-crisis coalition (Flikke 2008). This failure saw the return of Yanukovych, who sought to capitalise on the increased strengths of the parliament by challenging the position of the president. Tensions between the branches were heightened as the new coalition sought revenge and introduced laws to give the prime minister complete control over cabinet, further weakening the influence of the president (Solonenko 2009). After continued struggles Yushchenko issued a decree in March 2007 dissolving parliament and calling for elections; following negotiations fresh parliamentary elections were held in September 2007 (Flikke 2008).

Returning to the polls provided an opportunity for the Orange coalition to regain power and some of the momentum that had been lost. Tymoshenko was returned as prime minister in December following protracted coalition negotiations, but her position was undermined by criticism from the presidential secretariat (Pifer *et al* 2009). This led once again to the collapse of the coalition 'in 2008, indicating that the internal rivalry between President Yushchenko and Prime Minister Tymoshenko is

too deep to allow any chance of a sustainable alliance.’ (Solonenko 2009, p. 721). Conflict continued to plague the coalition, leading to the Yulia Tymoshenko Bloc (BYuT) aligning with Yanukovych’s Party of the Regions in September 2008 to vote through laws further reducing the power of the president (Pifer *et al* 2009). The breakdown of the coalition followed the withdrawal of Our Ukraine and led Yushchenko to issue a decree in October for parliament to be dissolved. Although the decree was subsequently rescinded relations between the president and the government remained strained and prevented further progress (Pifer *et al* 2009). The final defeat of the Orange coalition came in January 2010 with the election of Yanukovych as president, defeating both Tymoshenko and Yushchenko who came a distant fifth with just five percent of the vote in the first round (Copsey and Shapovalova, 2010).

### **Yushchenko as a failed transitional leader – actions and constraints**

The inability of Viktor Yushchenko to shift Ukraine in the direction of clear and unambiguous democratic practices was the result of a complex combination of factors. Hale (2010, p. 84) argues that ‘to consider Ukraine’s 2010 election a sign of democratic failure would be a mistake. In fact, it is partly the dirtiness of Ukraine’s democracy that sustains it and in fact augurs well for long-term success.’ Hence, the Yushchenko presidency needs to be seen in the broader context of what came before and the inherent tensions in the political system. While Yushchenko’s own actions were important in shaping the nature of relations within the system, the reformed institutional arrangements and environmental context did much to set the boundaries within which he was able to operate. This section examines his actions and explores the extent to which the presidential institutional structure undermined or limited opportunities for further change.

Although Yushchenko emerged as a popular leader in the aftermath of the Kuchmagate scandal, as evidenced by the strong performance of Our Ukraine in the 2002 Parliamentary elections, he was unable to turn this popularity into an effective move towards democracy. Kuzio (2007, p. 50) captures this difficulty when he argues

‘Yushchenko...was never a revolutionary.’ Yushchenko had served under the Kuchma regime in high-ranking positions before his electoral breakthrough and had not shown any indication that he was seeking to radically alter the system. Rather than a genuinely transformative leader winning the support of the people with a strong mandate for change, he emerged as a figure around which opposition to the Kuchma regime could rally, with the strong support of Tymoshenko (Kuzio 2007). Charisma can allow flaws to be overlooked (Kellerman 1984); in the case of Yushchenko the desire to remove the corrupt semi-authoritarian Kuchma regime had the same result, as his weaknesses were overlooked. Rather than being a transformative leader, able to rally support and bring together competing factions, Yushchenko operated much more as a transactional leader, competing for short-term political gains.

The continued presence of many of the actors and structures from the previous regime also prevented a clean break with the past. Leonid Kuchma stepped down from the presidency in 2005, but the legacy of his regime continued to cast a shadow on the Yushchenko regime. As noted earlier, non-democratic legacies persist long after the change of a regime, continuing to influence values and behaviours (Hite and Morlino 2004). The complex system of corrupt patronage that had operated under Kuchma remained largely intact (Hale 2010). The constitutional amendment of 2004 arguably undermined the ability of the incoming president to deal with these entrenched practices by shifting greater power to the parliament, which remained largely unchanged. Continuation in this manner had a detrimental effect on the regime as a lack of ‘fresh faces’ meant that political competition became a source of political rivalry and instability, leading to disillusionment within the society at large. (Solonenko 2009, p. 719). The most significant environmental constraint was the legacy of past practices; unable to overcome these legacies, Yushchenko was forced to work within them and accommodate them, undermining his position as a new leader intent on bringing change.



The failure of the Orange coalition to follow up the constitutional amendment that had been agreed with Kuchma had a detrimental effect on the ability of Yushchenko to operate and illustrated the challenges faced by the coalition. There was initially strong support from within the presidential administration and the government for reform of the amendment as it was seen as a return to the past, opening the way for instability as it muddled the separation of powers (Kubicek 2009). Solonenko (2009, p. 721) argues that:

The transition from a presidential-parliamentary to a prime ministerial-presidential system, as reflected in the revised version of the Constitution, was seen as a chance for the losers of the presidential elections to regain access to power through the 2006 parliamentary elections, whereby according to the new rules much of the president's power would be transferred to the parliament.

Change was possible, as the 'amendment was a *tabula rasa* to be filled in by subsequent legal work' (Flikke 2008, p. 379) providing an opportunity for the system to be restructured to meet the changed reality. Despite this opportunity, the coalition was unable to make substantial progress with 'the number of draft laws initiated by the new president and the Prime Minister was the lowest ever submitted to parliament by the executive branch for any one legislative session since independence.' (Tudoroiu 2007, p. 329) The tension within the executive prevented the presentation of a united front that would have allowed a strong move towards democratic stability. This lack of movement further restricted the ability of the president to direct the political system as power was shifted to the parliament in 2006 with limited modifications. Although Yushchenko and his supporters were constrained by the legacy of the previous regime, the failure to introduce change under the constitutional amendment can be seen as a failure of leadership.

While disagreements within the Orange coalition played an important role in limiting the opportunities to introduce change, other factors need to be acknowledged. It

was noted above that societies divided along ethno-cultural or geographic lines can increase the likelihood of conflict between branches, as there are competing demands to be satisfied. This is reflected in the regional support bases that presidential candidates were able to draw on in the elections, with Yushchenko drawing support from the western and central regions, while Yanukovych was stronger in the south and east (Copsey and Shapovalova, 2010). These divisions played an important role in shaping the relationship between the executive and legislative branches, as they relied on different support bases. As Sasse (2010, p. 105) notes, regional divisions are not neatly and clearly defined, thereby helping to 'safeguard Ukraine against radicalism – whether nationalist, liberal, or authoritarian – though it also tends to produce delays and stalemates.' The result being that while Yushchenko was constrained by these regional divisions, they acted as a 'release valve' permitting the expression of competing views and interests.

The relationship between Yushchenko and Tymoshenko was a further complicating factor in the ability of Yushchenko to operate as a transformative leader. While there was a common cause between the two, in opposing the Kuchma regime, they were able to put aside their differences. However, when they gained power, the relationship broke down (Kuzio 2007). The character of the presidential system exacerbated the effects of this breakdown, with each actor having different interests. Division of responsibility allowed each to build a power base from which to operate and the incentives to collaborate were minimised, as each could blame the other for the failure to reform the system. Yushchenko's weakness was exacerbated by the composition of the parliamentary coalition in which Tymoshenko's party was the dominant partner (Flikke 2008). Unable to rely on partisan support the president was forced to rely on the constitutional powers that came with the office, leading to attempts to create parallel institutions to monitor the work of the government. The presence of two strong characters (Yushchenko and Tymoshenko) within the coalition undermined and weakened its ability to undertake the actions necessary to reform the system, as the competition between them became the focus.

Tensions within the regime continued to undermine the ability of the executive to operate. The lack of clarity between the respective roles of the president, prime minister, and the parliament saw attempts by each to gain power at the expense of the others. The significance of this is that institutions are more subject to revision than they appear, making it important to consider the role of actors in shaping events (Alexander 2001). The negotiated compromise that led to the appointment of Yanukovych as prime minister in 2006 presented a challenge to the power of the president, as it introduced an openly hostile government (Flikke 2008). BYuT, further illustrating the collapse of the Orange coalition, supported attempts by the government to claw back powers from the president through the introduction of the Coalition of Ministers law (Solonenko 2009). While the president's powers were increasingly being undermined and co-opted by the oppositional parliament, his ability to react was restricted by the weakness of his partisan powers given the reduced influence of Our Ukraine.

The challenges facing the transitional leader are considerable: governing and introducing change in a context of instability. At the same time, it is important to note that the transitional leader is an independent actor, whose decisions can foster stability or further destabilise the system. In this way, the capacity to govern and the capacity to introduce democratic reforms are connected. Where a leader is unable to govern effectively he/she is also less able to generate the support required to introduce necessary democratic reforms. The Yushchenko case illustrates the degree to which transitional leaders are able to shape the institutional structures within which they operate. Institutional constraints, particularly the strength of the parliament, did limit the extent to which Yushchenko was able to reform the political system. As a president in a system which had strengthened the role of the parliament, the lack of clear boundaries encouraged conflict rather than cooperation. However, this need not have so completely undermined the ability of the regime to function; this can be linked to Yushchenko's inability to govern effectively in a transformational style, instead choosing short-term gains over longer-term stability.

## **Conclusion**

The aims of this paper were to examine the individual factors that shape the ability of a transitional leader to adapt to changed political contexts, and to assess the importance of presidential institutional arrangements in exacerbating leadership tensions. To this end, the paper has analysed the case of Viktor Yushchenko as a transitional leader, and the impact he had on democratisation in Ukraine. The Orange Revolution in Ukraine saw a strong challenge to the existing non-democratic regime of Leonid Kuchma and presented an opportunity to move towards a democratic political system. The associated shift to a prime ministerial-presidential system in Ukraine placed restrictions the ability of president Yushchenko to operate, but need not have weakened him so completely. On coming to power in 2005, Yushchenko had an opportunity to reform the political system as the transitional leader: an agent of change. Competing pressures and tensions that are faced by such leaders require a flexible approach, allowing responses proportionate to challenges. Rather than take the required action, Yushchenko chose instead to focus on securing his own position in ways similar to that of his predecessor, placing allies to counter potential challengers. The result was that when the constitutional reforms of December 2004 came into force they entrenched divisions and reduced his formal powers to address them. The inability of the Orange coalition to seize the opportunity presented by the regime change, due to infighting and conflict, ultimately undermined their support and resulted in the election of Viktor Yanukovich (Kuchma's chosen successor in 2004) as president in 2010 (Copsey and Shapovalova 2010).

In the case of Ukraine, the importance of institutions is clear: reforms to the relative strength of the legislative and executive branches introduced uncertainty and competition. The semi-presidential system saw divisions form between the executive and the legislative branches, as well as within the executive branch, as the actors competed to gain control. The inability of the regime to make a complete break with the previous regime also restricted the ability of the Orange coalition to overcome

opposition within the legislative branch and introduce change. In addition, the environment proved to be an important factor, as public disillusion with the actions of the elite limited the ability of the leader to draw on a broader societal support base. However, democratisation in Ukraine was an elite driven process, hence the lack of progress towards consolidation can be attributed to failure of the political leadership to effectively overcome their challenges and stabilise the way forward.

The findings indicate that, while institutional factors can constrain the ability of a transitional leader to act, the leader's chosen strategy is more important in determining the outcome. Yushchenko's inability to move Ukraine more forcefully towards democratic consolidation was the result of his ineffective actions, rather than systemic weaknesses within the institutional configuration. In this case, the transitional leader's inability to effectively address pre-existing tensions or adjust to the new reality resulted in a failed and shortened leadership lifespan.

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